



Journal of the Senate

Number 14—Regular Session

Wednesday, April 12, 2000

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CALL TO ORDER

The Senate was called to order by President Jennings at 1:15 p.m. A quorum present—40:

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Excused: Senator Forman after 2:30 p.m.

PRAYER

The following prayer was offered by Lt. James Devane, Gadsden County Sheriff's Department, Quincy:

"Father's Table Grace"

As we sit at the table,
Our family's heads bowed low,
My thoughts are turned to childhood
And the finest man I know.

He doesn't speak good English.
He's just a simple man,
But when he's talking to the Lord
Even a little child can understand.

I was young and restless, and the thought still comes to me,
When I told my Dad I was old enough to leave.
I said, "I'm eighteen now and I know all I need to know.
I think it's time to leave, I think it's time for me to go."

He sat at the table and a look came over his face,
And he never spoke another word
'Til he said table grace.

Our kind, gracious Heavenly Father,
We're all gathered here today
To give you thanks for guidance
So, humbly we pray.

My oldest son is leaving and I'm sure he knows what's best,
But just in case, would you stand by and help him stand the test?

Lord, he's awful neglectful about church on Sunday morning.
And if he gets with the wrong crowd, would you hold his hand?
And if he flies too high, would you clip his wings?
But don't let him fall too hard.
I'm sure you can handle things.

I've tried my best from day to day to teach him right from wrong.
And he's grown to be a fine young man,
And he's always blessed our home.

We pray thee Lord for guidance
That he won't build upon the sand,
But I won't worry half as much
If I know he's in your hands.

And Oh yes, Lord, it won't be long before I'll be coming home.
We'll have a lot of things to talk about
So please don't make me wait too long.

We pray thee, Lord, for guidance.
Please forgive us of our sins.
So we may all be together in Heaven, Amen!

The table was silent as tears ran down my face,
And from that day on to this
My life was based on Father's Table Grace.

Thank you for listening and may the Almighty give you wisdom and guidance as you strive to complete your tasks. And to Senator Thomas, my thanks for your friendship and your many years of outstanding and devoted service to all Floridians.

PLEDGE

Senate Pages Kristen Dearolf of Tampa and Dustin Odham of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Bronson—

By Senator Bronson—

SR 2726—A resolution recognizing April 17, 2000, as "Florida 4-H Day."

WHEREAS, the Florida 4-H program includes 298,304 children and 19,732 volunteers and brings together resources of local, state, and federal governments with committed citizens and the private sector, and

WHEREAS, the Florida 4-H program participants, who dedicate themselves to "learning by doing," are involved in a diverse array of projects, from animal science to xeriscaping, and

WHEREAS, the Florida 4-H members and volunteers are dedicated to community service, devoting tens of thousands of hours to their schools, their communities, and their state, and

WHEREAS, the 2000 state project, "4-H's Helping the Hungry," encourages clubs and individual 4-H'ers to help alleviate hunger in their communities through actions such as collecting food for the needy, volunteering time with hunger-relief groups such as food banks and soup kitchens, and holding fund raisers, donating the earnings to the fight against hunger, and

WHEREAS, the Florida 4-H members are actively engaged in citizenship and leadership activities which enable them to be productive members of society and to contribute to the greater good of all mankind, and

WHEREAS, the Florida 4-H program performs an invaluable service in the part it plays in preparing today's youth for the future workplace, while encouraging them to be leaders, not only tomorrow, but also today, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate pauses in its deliberations to express its appreciation of the efforts of the Florida 4-H program and to recognize April 17, 2000, as "Florida 4-H Day."

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida 4-H Foundation as a tangible token of the sentiments of the Florida Senate.

—**SR 2726** was introduced, read and adopted by publication.

BILLS ON THIRD READING

On motion by Senator Webster, consideration of **SB 1302** was deferred.

Consideration of **CS for CS for SB 134** was deferred.

SB 370—A bill to be entitled An act relating to pharmacy; requiring the Board of Osteopathic Medicine, the Board of Medicine, and the Board of Pharmacy to provide recommendations and submit a report to the Legislature concerning the formulary for generic and brand-name drugs; requiring the dispensation of certain drugs that are on the formulary, in specified circumstances; requiring the removal of specified drugs from the formulary for generic and brand-name drugs; providing that the act does not amend existing law relating to physician's authority to prohibit generic substitution by writing "medically necessary" on the prescription; providing an effective date.

—as amended April 11 was read the third time by title.

Senator Cowin moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (764910)—On page 2, lines 13-15, delete those lines and insert: *"A-B"-rated drug that is on the negative formulary created under that statute as of January 1, 2000, a pharmacist must dispense the drug on the prescription unless prior approval to substitute is obtained from the*

Senator Horne moved the following amendment which failed to receive the required two-thirds vote:

Amendment 2 (771592)—On page 2, lines 16 and 17, delete those lines and insert: *prescriber of the medication. Any refill thereunder of any prescription, such as the initial prescription, new prescription, or dosage adjustment for such a drug must be refilled using*

MOTION

On motion by Senator Horne, by two-thirds vote debate on **SB 370** was limited to 10 minutes per side and three speakers per side.

On motions by Senator Clary, **SB 370** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—25

Madam President	Dyer	Kurth	Rossin
Brown-Waite	Geller	Latvala	Sebesta
Burt	Grant	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Clary	Jones	McKay	
Dawson	King	Meek	
Diaz de la Portilla	Klein	Mitchell	

Nays—14

Bronson	Cowin	Kirkpatrick	Thomas
Campbell	Diaz-Balart	Myers	Webster
Carlton	Holzendorf	Saunders	
Childers	Horne	Scott	

COMMUNICATION REGARDING VOTE

I could not be in the Senate when SB 370 was voted on. Had I been there, I would have voted "yes".

Howard C. Forman, District 32

The Senate resumed consideration of—

CS for CS for SB 134—A bill to be entitled An act relating to pretrial release; amending s. 903.046, F.S.; revising criteria for bail determination; amending s. 907.041, F.S.; prohibiting persons charged with dangerous crimes from being placed on pretrial release on nonmonetary conditions at first appearance hearings; providing criteria for pretrial release on nonmonetary conditions; creating s. 903.0471, F.S.; authorizing a court to order pretrial detention for persons on pretrial release who commit new crimes under certain circumstances; amending s. 903.26, F.S.; revising time period for bond forfeiture payment and notice; repealing Rules 3.131 and 3.132, Florida Rules of Criminal Procedure, relating to pretrial release and pretrial detention, to the extent those rules are inconsistent with this act; providing an effective date.

—which was previously considered and amended April 5 and April 11.

Pending further consideration of **CS for CS for SB 134** as amended, on motion by Senator Diaz-Balart, by two-thirds vote **CS for HB 607** was withdrawn from the Committees on Criminal Justice and Fiscal Policy.

On motion by Senator Diaz-Balart, by two-thirds vote—

CS for HB 607—A bill to be entitled An act relating to pretrial release; amending s. 903.046, F.S.; revising criteria for bail determination; amending s. 907.041, F.S.; prohibiting persons charged with dangerous crimes from being placed on pretrial release on nonmonetary conditions at first appearance hearings; providing criteria for pretrial release on nonmonetary conditions; creating s. 903.0471, F.S.; authorizing a court to order pretrial detention for persons on pretrial release who commit new crimes under certain circumstances; amending s. 903.26, F.S.; revising time period for bond forfeiture payment and notice; repealing Rules 3.131 and 3.132, Florida Rules of Criminal Procedure, relating to pretrial release and pretrial detention, to the extent those rules are inconsistent with this act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 134** as amended and read the second time by title.

Senator Diaz-Balart moved the following amendment which was adopted:

Amendment 1 (662292)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (2) of section 903.046, Florida Statutes, is amended, present paragraph (j) of that subsection is redesignated as paragraph (k), and a new paragraph (j) is added to that subsection to read:

903.046 Purpose of and criteria for bail determination.—

(2) When determining whether to release a defendant on bail or other conditions, and what that bail or those conditions may be, the court shall consider:

(d) The defendant's past and present conduct, including any record of convictions, previous flight to avoid prosecution, or failure to appear at court proceedings. However, any defendant who ~~previously~~ had ~~willfully and knowingly~~ failed to appear *on the day of any required court proceeding in the case at issue and breached a bond as specified in s. 903.26*, but who had *later* voluntarily appeared or surrendered, shall not be eligible for a recognizance bond; and any defendant who ~~willfully and~~

knowingly failed to appear on the day of any required court proceeding in the case at issue and breached a bond as specified in s. 903.26 and who was later arrested at any time following forfeiture shall not be eligible for a recognizance bond or for any form of bond which does not require a monetary undertaking or commitment equal to or greater than \$2,000 or twice the value of the monetary commitment or undertaking of the original bond, whichever is greater. *Notwithstanding anything in this section, the court has discretion in determining conditions of release if the defendant proves circumstances beyond his or her control for the failure to appear. This section may not be construed as imposing additional duties or obligations on a governmental entity related to monetary bonds.*

(j) *Whether there is probable cause to believe that the defendant committed a new crime while on pretrial release.*

Section 2. Subsections (3) and (4) of section 907.041, Florida Statutes, are amended to read:

907.041 Pretrial detention and release.—

(3) RELEASE ON NONMONETARY CONDITIONS.—

(a) It is the intent of the Legislature to create a presumption in favor of release on nonmonetary conditions for any person who is granted pretrial release *unless such person is charged with a dangerous crime as defined in subsection (4).* Such person shall be released on monetary conditions ~~only~~ if it is determined that such monetary conditions are necessary to assure the presence of the person at trial or at other proceedings, to protect the community from risk of physical harm to persons, to assure the presence of the accused at trial, or to assure the integrity of the judicial process.

(b) *No person shall be released on nonmonetary conditions under the supervision of a pretrial release service, unless the service certifies to the court that it has investigated or otherwise verified:*

1. *The circumstances of the accused's family, employment, financial resources, character, mental condition, and length of residence in the community;*

2. *The accused's record of convictions, of appearances at court proceedings, of flight to avoid prosecution, or of failure to appear at court proceedings; and*

3. *Other facts necessary to assist the court in its determination of the indigency of the accused and whether she or he should be released under the supervision of the service.*

(4) PRETRIAL DETENTION.—

(a) As used in this subsection, "dangerous crime" means any of the following:

1. Arson;
2. Aggravated assault;
3. Aggravated battery;
4. Illegal use of explosives;
5. Child abuse or aggravated child abuse;
6. Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult;
7. Hijacking;
8. Kidnapping;
9. Homicide;
10. Manslaughter;
11. Sexual battery;
12. Robbery;
13. Carjacking;

14. Lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years;

15. Sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority;

16. Burglary of a dwelling;

17. Stalking and aggravated stalking;

18. Act of domestic violence as defined in s. 741.28; and

19. Attempting or conspiring to commit any such crime; and home-invasion robbery.

(b) *No person charged with a dangerous crime shall be granted non-monetary pretrial release at a first appearance hearing; however, the court shall retain the discretion to release an accused on electronic monitoring or on recognizance bond if the findings on the record of facts and circumstances warrant such a release.*

(c)(b) The court may order pretrial detention if it finds a substantial probability, based on a defendant's past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that:

1. The defendant has previously violated conditions of release and that no further conditions of release are reasonably likely to assure the defendant's appearance at subsequent proceedings;

2. The defendant, with the intent to obstruct the judicial process, has threatened, intimidated, or injured any victim, potential witness, juror, or judicial officer, or has attempted or conspired to do so, and that no condition of release will reasonably prevent the obstruction of the judicial process;

3. The defendant is charged with trafficking in controlled substances as defined by s. 893.135, that there is a substantial probability that the defendant has committed the offense, and that no conditions of release will reasonably assure the defendant's appearance at subsequent criminal proceedings; or

4. The defendant poses the threat of harm to the community. The court may so conclude, if it finds that the defendant is presently charged with a dangerous crime, that there is a substantial probability that the defendant committed such crime, that the factual circumstances of the crime indicate a disregard for the safety of the community, and that there are no conditions of release reasonably sufficient to protect the community from the risk of physical harm to persons. In addition, the court must find that at least one of the following conditions is present:

a. The defendant has previously been convicted of a crime punishable by death or life imprisonment.

b. The defendant has been convicted of a dangerous crime within the 10 years immediately preceding the date of his or her arrest for the crime presently charged.

c. The defendant is on probation, parole, or other release pending completion of sentence or on pretrial release for a dangerous crime at the time of the current arrest.

(d)(e) When a person charged with a crime for which pretrial detention could be ordered is arrested, the arresting agency shall promptly notify the state attorney of the arrest and shall provide the state attorney with such information as the arresting agency has obtained relative to:

1. The nature and circumstances of the offense charged;

2. The nature of any physical evidence seized and the contents of any statements obtained from the defendant or any witness;

3. The defendant's family ties, residence, employment, financial condition, and mental condition; and

4. The defendant's past conduct and present conduct, including any record of convictions, previous flight to avoid prosecution, or failure to appear at court proceedings.

(e)(d) When a person charged with a crime for which pretrial detention could be ordered is arrested, the arresting agency may detain such defendant, prior to the filing by the state attorney of a motion seeking pretrial detention, for a period not to exceed 24 hours.

(f)(e) The court shall order detention only after a pretrial detention hearing. The hearing shall be held within 5 days of the filing by the state attorney of a complaint to seek pretrial detention. The defendant may request a continuance. No continuance shall be for longer than 5 days unless there are extenuating circumstances. The defendant may be detained pending the hearing. The state attorney shall be entitled to one continuance for good cause.

(g)(f) The state attorney has the burden of showing the need for pretrial detention.

(h)(g) The defendant is entitled to be represented by counsel, to present witnesses and evidence, and to cross-examine witnesses. The court may admit relevant evidence without complying with the rules of evidence, but evidence secured in violation of the United States Constitution or the Constitution of the State of Florida shall not be admissible. No testimony by the defendant shall be admissible to prove guilt at any other judicial proceeding, but such testimony may be admitted in an action for perjury, based upon the defendant's statements made at the pretrial detention hearing, or for impeachment.

(i)(h) The pretrial detention order of the court shall be based solely upon evidence produced at the hearing and shall contain findings of fact and conclusions of law to support it. The order shall be made either in writing or orally on the record. The court shall render its findings within 24 hours of the pretrial detention hearing.

(j)(i) If ordered detained pending trial pursuant to subparagraph (c)4. (b)4., the defendant may not be held for more than 90 days. Failure of the state to bring the defendant to trial within that time shall result in the defendant's release from detention, subject to any conditions of release, unless the trial delay was requested or caused by the defendant or his or her counsel.

(k)(j) A defendant convicted at trial following the issuance of a pretrial detention order shall have credited to his or her sentence, if imprisonment is imposed, the time the defendant was held under the order, pursuant to s. 921.161.

(l)(k) The defendant shall be entitled to dissolution of the pretrial detention order whenever the court finds that a subsequent event has eliminated the basis for detention.

Section 3. Section 903.0471, Florida Statutes, is created to read:

903.0471 Violation of condition of pretrial release.—Notwithstanding s. 907.041, a court may, on its own motion, revoke pretrial release and order pretrial detention if the court finds probable cause to believe that the defendant committed a new crime while on pretrial release.

Section 4. Subsections (2) and (3) of section 903.26, Florida Statutes, are amended to read:

903.26 Forfeiture of the bond; when and how directed; discharge; how and when made; effect of payment.—

(2)(a) If there is a breach of the bond, the court shall declare the bond and any bonds or money deposited as bail forfeited. The clerk of the court shall mail a notice to the surety agent and surety company in writing within 5 days of the forfeiture. A certificate signed by the clerk of the court or the clerk's designee, certifying that the notice required herein was mailed on a specified date and accompanied by a copy of the required notice, shall constitute sufficient proof that such mailing was properly accomplished as indicated therein. If such mailing was properly accomplished as evidenced by such certificate, the failure of the surety agent, of a company, or of a defendant to receive such mail notice shall not constitute a defense to such forfeiture and shall not be grounds for discharge, remission, reduction, set aside, or continuance of such forfeiture. The forfeiture shall be paid within 60³⁵ days of the date the notice was mailed.

(b) Failure of the defendant to appear at the time, date, and place of required appearance shall result in forfeiture of the bond. Such forfeiture shall be automatically entered by the clerk upon such failure to

appear, and the clerk shall follow the procedures outlined in paragraph (a). However, the court may determine, in its discretion, in the interest of justice, that an appearance by the defendant on the same day as required does not warrant forfeiture of the bond; and the court may direct the clerk to set aside any such forfeiture which may have been entered. Any appearance by the defendant later than the required day constitutes forfeiture of the bond, and the court shall not preclude entry of such forfeiture by the clerk.

(c) If there is a breach of the bond, the clerk shall provide, upon request, a certified copy of the warrant or capias to the bail bond agent or surety company.

(3) ~~Sixty~~ ^{Thirty-five} days after the forfeiture notice has been mailed:

(a) State and county officials having custody of forfeited money shall deposit the money in the county fine and forfeiture fund;

(b) Municipal officials having custody of forfeited money shall deposit the money in a designated municipal fund;

(c) Officials having custody of bonds as authorized by s. 903.16 shall transmit the bonds to the clerk of the circuit court who shall sell them at market value and disburse the proceeds as provided in paragraphs (a) and (b).

Section 5. *Rules 3.131 and 3.132, Florida Rules of Criminal Procedure, are repealed to the extent that the rules are inconsistent with this act.*

Section 6. This act shall take effect upon becoming a law, except that section 5 shall take effect only if this act is passed by the affirmative vote of two-thirds of the membership of each house of the Legislature.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to pretrial release; amending s. 903.046, F.S.; revising criteria for bail determination; amending s. 907.041, F.S.; prohibiting persons charged with dangerous crimes from being placed on pretrial release on nonmonetary conditions at first appearance hearings; providing criteria for pretrial release on nonmonetary conditions; creating s. 903.0471, F.S.; authorizing a court to order pretrial detention for persons on pretrial release who commit new crimes under certain circumstances; amending s. 903.26, F.S.; revising time period for bond forfeiture payment and notice; repealing Rules 3.131 and 3.132, Florida Rules of Criminal Procedure, relating to pretrial release and pretrial detention, to the extent those rules are inconsistent with this act; providing an effective date.

On motions by Senator Diaz-Balart, by two-thirds vote **CS for HB 607** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	King	Myers
Bronson	Diaz de la Portilla	Kirkpatrick	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

SB 156—A bill to be entitled An act relating to funeral and cemetery services; amending s. 497.003, F.S.; revising terminology relating to cemeteries owned by a religious institution; amending s. 497.005, F.S.; defining the term "religious institution"; amending s. 497.103, F.S.; authorizing the Department of Banking and Finance and the Board of Funeral and Cemetery Services to adopt rules to allow for electronic submission of applications, documents, and fees and to provide for certification of compliance in lieu of submission of documents; eliminating a reference to an examination fee; amending ss. 497.117 and 497.131, F.S.;

revising terminology designating a trust fund; amending s. 497.213, F.S.; increasing annual license fees for certain cemeteries; amending s. 497.245, F.S.; eliminating reference to annual examination fees; amending ss. 497.341 and 497.405, F.S.; revising terminology relating to cemeteries owned by a religious institution; amending s. 497.407, F.S.; providing initial application and renewal fees for a certificate of authority to sell preneed contracts; revising terminology designating a trust fund; amending s. 497.431, F.S.; eliminating the fee charged to examine the business of any person writing preneed contracts and any guaranteeing organization; revising the expenses that the person or organization being examined is responsible for paying in connection with an examination; amending s. 497.435, F.S.; revising terminology designating a trust fund; amending s. 497.439, F.S.; providing for submission of an application for registration as a preneed sales agent, with application fee, in a form prescribed by department rule and approved by the board; providing an effective date.

—as amended April 11 was read the third time by title.

On motions by Senator Klein, **SB 156** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	King	Myers
Bronson	Diaz de la Portilla	Kirkpatrick	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

CS for SB 210—A bill to be entitled An act relating to deferred compensation programs; amending s. 112.215, F.S.; clarifying and defining the term “employee” to include any constitutional county officer under Section 1(d), Article VIII of the State Constitution; providing for protection of existing contractual relationships; providing for negotiation of a joint deferred compensation program interlocal government agreement for the respective employees of county political subdivisions and county constitutional officers; authorizing the creation of an additional salary deferral program; providing procedures for implementation by state and local governments; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **CS for SB 210** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	King	Myers
Bronson	Diaz de la Portilla	Kirkpatrick	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

CS for HB 57—A bill to be entitled An act relating to remedies for unlawful sales of securities; amending s. 517.211, F.S.; limiting authorization to rescind certain sales of securities under certain circumstances; providing an effective date.

—was read the third time by title.

On motions by Senator Sebesta, **CS for HB 57** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	King	Myers
Bronson	Diaz de la Portilla	Kirkpatrick	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

SB 828—A bill to be entitled An act relating to insurance; amending s. 627.672, F.S.; redefining the term “Medicare supplement policy” for purposes of the Florida Medicare Supplement Reform Act to exclude specified policies and plans; providing an effective date.

—was read the third time by title.

On motions by Senator Grant, **SB 828** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	King	Myers
Bronson	Diaz de la Portilla	Kirkpatrick	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

On motion by Senator Horne, by two-thirds vote **HB 1115** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Horne, by two-thirds vote—

HB 1115—A bill to be entitled An act relating to bail bond premiums; creating s. 624.4094, F.S.; requiring reporting of net amounts of certain bail bond premiums; providing a minimum requirement for direct written premiums for bail bonds; providing application; providing reporting requirements for assumed premiums; requiring recordkeeping; requiring disclosure of certain information in annual statements; providing an effective date.

—a companion measure, was substituted for **CS for SB 1560** and by two-thirds vote read the second time by title. On motions by Senator Horne, by two-thirds vote **HB 1115** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Hargrett	Latvala
Bronson	Cowin	Holzendorf	Laurent
Brown-Waite	Dawson	Horne	Lee
Burt	Diaz de la Portilla	Jones	McKay
Campbell	Diaz-Balart	King	Meek
Carlton	Dyer	Kirkpatrick	Mitchell
Casas	Geller	Klein	Myers
Childers	Grant	Kurth	Rossin

Saunders	Sebesta	Sullivan	Webster
Scott	Silver	Thomas	

Nays—None

CS for HB 311—A bill to be entitled An act relating to industrial insured captive insurers; amending s. 628.903, F.S.; specifying requirements for industrial insureds of an industrial insured captive insurer; providing an additional requirement for industrial insured captive insurers; providing an effective date.

—was read the third time by title.

On motions by Senator Grant, **CS for HB 311** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	King	Myers
Bronson	Diaz de la Portilla	Kirkpatrick	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

SB 2150—A bill to be entitled An act relating to insurance; amending s. 626.2815, F.S.; allowing certain interactive, on-line continuing education courses to use unmonitored testing; amending s. 626.221, F.S.; exempting certain applicants for licensure who are designated as Registered Customer Service Representatives from an examination requirement; providing an effective date.

—as amended April 11 was read the third time by title.

Senator Holzendorf moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (360464)(with title amendment)—On page 2, lines 4-22, delete section 2 and redesignate subsequent section.

And the title is amended as follows:

On page 1, lines 5-9, delete those lines and insert: unmonitored testing; providing an effective date.

On motions by Senator Holzendorf, **SB 2150** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	King	Myers
Bronson	Diaz de la Portilla	Kirkpatrick	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

On motion by Senator Grant, by two-thirds vote **HB 1139** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Grant, by two-thirds vote—

HB 1139—A bill to be entitled An act relating to consumer finance; amending s. 516.031, F.S.; authorizing a delinquency charge on consumer finance loans under certain circumstances; amending s. 520.07, F.S.; revising the disclosure requirements for retail installments contracts; providing an effective date.

—a companion measure, was substituted for **CS for SB 2028** and by two-thirds vote read the second time by title. On motions by Senator Grant, by two-thirds vote **HB 1139** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	King	Myers
Bronson	Diaz de la Portilla	Kirkpatrick	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Grant, consideration of **SB 428** was deferred.

On motion by Senator Klein—

CS for SB 120—A bill to be entitled An act relating to campaign financing; amending s. 106.09, F.S.; increasing penalties for making certain illegal campaign contributions; providing an effective date.

—was read the second time by title.

Senator Klein moved the following amendment which was adopted:

Amendment 1 (184112)—On page 1, line 22, delete “*but not more than \$5,000*”

Pursuant to Rule 4.19, **CS for SB 120** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SENATOR WEBSTER PRESIDING

On motion by Senator Holzendorf—

CS for SB 2158—A bill to be entitled An act relating to insurance; amending s. 626.852, F.S.; providing that part VI of the Florida Insurance Code regulating adjusters does not apply to employees or agents of certain governmental entities; amending s. 627.7295, F.S.; providing exception to the minimum down-payment requirement for motor vehicle insurance policies; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2158** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 794—A bill to be entitled An act relating to witnesses; amending s. 90.612, F.S.; requiring a judge to protect a witness under a specific age from undue harassment or embarrassment during interrogation and to restrict unnecessary repetition of questions; requiring that questions be stated in a form appropriate to the age and understanding of the witness; authorizing a court to forbid questions that are not in a form reasonably understood; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 794** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

SB 294—A bill to be entitled An act relating to building designations; designating the State Veterans' Nursing Home in Pembroke Pines as the Alexander "Sandy" Niningger, Jr. State Veterans' Nursing Home; directing the Department of Veterans' Affairs to erect suitable markers; providing an effective date.

—was read the second time by title.

Senators Campbell, Bronson, Brown-Waite, Burt, Carlton, Casas, Childers, Clary, Cowin, Dawson, Diaz de la Portilla, Diaz-Balart, Dyer, Forman, Geller, Grant, Hargrett, Holzendorf, Horne, Jones, King, Kirkpatrick, Klein, Kurth, Latvala, Laurent, Lee, McKay, Meek, Mitchell, Myers, Rossin, Saunders, Sebesta, Silver, Sullivan, Thomas, Webster and Madam President offered the following amendment which was moved by Senator Campbell and adopted:

Amendment 1 (053000)(with title amendment)—On page 2, between lines 5 and 6, insert:

Section 2. *The Science and Education Building at the Southeast Campus of Florida Atlantic University in Davie is designated the "Senator James A. Scott Building."*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 5, after the semicolon (;) insert: designating the Science and Education Building at the Southeast Campus of Florida Atlantic University in Davie as the "Senator James A. Scott Building";

Senators Thomas and Childers offered the following amendment which was moved by Senator Childers and adopted:

Amendment 2 (825024)(with title amendment)—On page 2, between lines 8 and 9, insert:

Section 3. *The new Middle/High School in Washington County is designated as the "Colly V Williams Middle/High School."*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, following the semicolon (;) insert: designating a school in Washington County the "Colly V Williams Middle/High School";

Pursuant to Rule 419, **SB 294** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

SB 1042—A bill to be entitled An act relating to unclaimed funds held by a guardian; amending s. 744.534, F.S.; increasing the threshold value of such funds for which publication of a notice of disposition is required; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (295250)(with title amendment)—On page 3, lines 1 and 2, delete those lines and insert: date of deposit shall escheat to the state to be deposited in the Department of Elderly Affairs Administrative Trust Fund for the benefit of the Statewide Public Guardianship Office public guardianship.

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) insert: providing for the disposition of funds that escheat to the state;

Pursuant to Rule 4.19, **SB 1042** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

CS for SB 1066—A bill to be entitled An act relating to durable powers of attorney; amending s. 709.08, F.S.; providing for durable powers of attorney contingent upon a specified condition; providing guidelines for such powers; providing statutory forms for affidavits to attest to specified condition; providing an effective date.

—was read the second time by title.

Senator Klein moved the following amendment:

Amendment 1 (122074)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsections (1), (4), and (5) of section 709.08, Florida Statutes, are amended to read:

709.08 Durable power of attorney.—

(1) CREATION OF DURABLE POWER OF ATTORNEY.—A durable power of attorney is a written power of attorney by which a principal designates another as the principal's attorney in fact. The durable power of attorney must be in writing, must be executed with the same formalities required for the conveyance of real property by Florida law, and must contain the words: "This durable power of attorney is not affected by subsequent incapacity of the principal except as provided in s. 709.08, Florida Statutes"; or similar words that show the principal's intent that the authority conferred is exercisable notwithstanding the principal's subsequent incapacity, except as otherwise provided by this section. The durable power of attorney is exercisable as of the date of execution; however, if the durable power of attorney is conditioned upon the principal's lack of capacity to manage property as defined in s. 744.102(10)(a), the durable power of attorney is exercisable upon the delivery of affidavits in paragraphs (c) and (d) to the third party.

(4) PROTECTION WITHOUT NOTICE; GOOD FAITH ACTS; AFFIDAVITS.—

(a) Any third party may rely upon the authority granted in a durable power of attorney which is not conditioned on the principal's lack of capacity to manage property until the third party has received notice as provided in subsection (5). A third party may, but need not, require the attorney in fact to execute an affidavit pursuant to paragraph (c).

(b) Any third party may rely upon the authority granted in a durable power of attorney which is conditioned on the principal's lack of capacity to manage property as defined in s. 744.102(10)(a) only after receiving the affidavits provided in paragraphs (c) and (d), and such reliance shall end when the third party has received notice as provided in subsection (5). Until a third party has received notice of revocation pursuant to subsection (5), partial or complete termination of the durable power of attorney by adjudication of incapacity, suspension by initiation of proceedings to determine incapacity, death of the principal, or the occurrence of an event referenced in the power of attorney, the third party may act in reliance upon the authority granted in the durable power of attorney.

(c) A third party that has not received written notice under subsection (5) may, but need not, require that the attorney in fact execute an affidavit executed by the attorney in fact must state where the principal is domiciled, that the principal is not deceased, and stating that there has been no revocation, partial or complete termination by adjudication of incapacity or by the occurrence of an event referenced in the durable power of attorney, or suspension by initiation of proceedings to determine incapacity or to appoint a guardian of the durable power of attorney at the time the power of attorney is exercised. A written affidavit executed by the attorney in fact under this paragraph may, but need not, be in the following form:

STATE OF
COUNTY OF

Before me, the undersigned authority, personally appeared (attorney in fact) ("Affiant"), who swore or affirmed that:

1. Affiant is the attorney in fact named in the Durable Power of Attorney executed by (principal) ("Principal") on (date).

2. This Durable Power of Attorney is currently exercisable by Affiant. The principal is domiciled in insert name of state, territory or foreign county.

3.2. To the best of the Affiant's knowledge after diligent search and inquiry:

a. The Principal is not deceased, ~~has not been adjudicated incapacitated, and has not revoked, partially or completely terminated, or suspended the Durable Power of Attorney;~~ and

b. ~~There has been no revocation, partial or complete termination by adjudication of incapacity or by the occurrence of an event referenced in the durable power of attorney, or suspension by initiation of proceedings to determine incapacity or to appoint a guardian. A petition to determine the incapacity of or to appoint a guardian for the Principal is not pending.~~

4.3. Affiant agrees not to exercise any powers granted by the Durable Power of Attorney if Affiant attains knowledge that it has been revoked, partially or completely terminated, suspended, or is no longer valid because of the death or adjudication of incapacity of the Principal.

Affiant

Sworn to (or affirmed) and subscribed before me this day of, (month) (year), by (name of person making statement).

(Signature of Notary Public-State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)
Personally Known OR Produced Identification

(Type of Identification Produced)

(d) A determination that a principal lacks the capacity to manage property as defined in s. 744.102(10)(a) must be made and evidenced by the affidavits of at least two physicians licensed to practice medicine as of the date of the affidavit. A judicial determination that the principal lacks the capacity to manage property pursuant to chapter 744 is not required prior to the determination by the physicians and execution of the affidavits. At least one of the physicians must be the attending physician. For purposes of this section, the attending physician is the primary physician who has responsibility for the treatment and care of the principal. Affidavits executed by each of the physicians must state where the physician is licensed to practice medicine, whether the physician is an attending physician, and that the physician believes that the principal lacks the capacity to manage property as defined in s. 744.102(10)(a). The affidavit may, but need not, be in the following form:

STATE OF
COUNTY OF

Before me, the undersigned authority, personally appeared (name of physician), Affiant, who swore or affirmed that:

1. Affiant is a physician licensed to practice medicine in (name of state, territory, or foreign country).

2. Affiant is () is not () (check one) the primary physician who has responsibility for the treatment and care of (principal's name).

3. To the best of Affiant's knowledge after reasonable inquiry, Affiant believes that the principal lacks the capacity to manage property, including taking those actions necessary to obtain, administer, and dispose of real and personal property, intangible property, business property, benefits, and income.

Affiant

Sworn to (or affirmed) and subscribed before me this day of (month) (year), by (name of person making statement).

(Signature of Notary Public-State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification

(Type of Identification Produced)

(e) A third party may not rely on the authority granted in a durable power of attorney conditioned on the principal's lack of capacity to manage property as defined in s. 744.102(10)(a) when any affidavit presented was executed more than 6 months prior to the first presentation of the durable power of attorney to the third party.

(f)(d) Third parties who act in reliance upon the authority granted to the attorney in fact under the durable power of attorney and in accordance with the instructions of the attorney in fact must be held harmless by the principal from any loss suffered or liability incurred as a result of actions taken prior to receipt of written notice pursuant to subsection (5) of revocation, suspension, notice of a petition to determine incapacity, partial or complete termination, or death of the principal. A person who acts in good faith upon any representation, direction, decision, or act of the attorney in fact is not liable to the principal or the principal's estate, beneficiaries, or joint owners for those acts.

(g)(e) A durable power of attorney may provide that the attorney in fact is not liable for any acts or decisions made by the attorney in fact in good faith and under the terms of the durable power of attorney.

(5) NOTICE.—

(a) A notice, including, but not limited to, a notice of revocation, notice of partial or complete termination by adjudication of incapacity or by the occurrence of an event referenced in the durable power of attorney, notice of death of the principal, notice of suspension by initiation of proceedings to determine incapacity or to appoint a guardian, or other notice, ~~suspension, or otherwise~~, is not effective until written notice is served upon the attorney in fact or any third persons relying upon a durable power of attorney.

(b) Notice must be in writing and served on the person or entity to be bound by ~~the such~~ notice. Service may be by any form of mail that requires a signed receipt or by personal delivery as provided for service of process. Service is complete when received by interested persons or entities specified in this section and in chapter 48, where applicable. In the case of a financial institution as defined in chapter 655, notice, *when not mailed*, must be served during regular business hours upon an officer or manager of the financial institution at the financial institution's principal place of business in Florida and its office where the power of attorney or account was presented, handled, or administered. *Notice by mail to a financial institution must be mailed to the financial institution's principal place of business in this state and its office where the power of attorney or account was presented, handled, or administered.* Except for service of court orders, a third party served with notice must be given 14 calendar days after service to act upon that notice. In the case of a financial institution, notice must be served before the occurrence of any of the events described in s. 674.303.

Section 2. This act shall take effect January 1, 2001.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to durable powers of attorney; amending s. 709.08, F.S.; providing for durable powers of attorney contingent upon a specified condition; providing guidelines for such powers; providing statutory forms for affidavits to attest to specified condition; providing an effective date.

Senator Klein moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (555030)—On page 2, line 5, after "paragraphs" insert: (4)

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1066** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell, by two-thirds vote **HB 479** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Commerce and Economic Opportunities.

On motion by Senator Mitchell—

HB 479—A bill to be entitled An act relating to research and development authorities; amending s. 159.703, F.S.; deleting requirements relating to membership of an authority affiliated with the National High Magnetic Field Laboratory; providing an effective date.

—a companion measure, was substituted for **SB 1118** and read the second time by title.

Pursuant to Rule 4.19, **HB 479** was placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer—

CS for CS for SB 1114—A bill to be entitled An act relating to protection of agriculture and horticulture; amending s. 581.091, F.S.; clarifying provisions with respect to a requirement to immediately inform the Department of Agriculture and Consumer Services upon receipt or possession of any noxious weed, plant, plant product, or regulated article infected or infested with any plant pest, declared to be a threat to the state's agricultural and horticultural interests, and to hold such weed, plant, or article for inspection; providing that it is unlawful to fail to disclose information regarding any infected or infested plant, plant product, regulated article, or noxious weed; amending s. 581.184, F.S.; defining the terms "infected or infested" and "exposed to infection" for purposes of the act; requiring the department to develop a risk-assessment program for commercial plantings; requiring the department to develop a statewide program of decontamination to prevent and limit the spread of citrus canker disease; providing program requirements; authorizing the department to develop specified compliance agreements and other agreements; requiring county sheriffs, upon request of the department, to provide assistance in obtaining access to private property for the purpose of enforcing citrus canker eradication efforts; specifying responsibilities of the sheriff; authorizing the department to reimburse the sheriff for reasonable costs of implementing the provisions of the act; providing for satisfaction of specified notice requirements; amending s. 193.461, F.S.; providing for classification of lands subject to eradication or quarantine programs; amending s. 298.005, F.S.; redefining the term "owner" for purposes of ch. 298, F.S., relating to drainage and water control; amending s. 298.11, F.S.; providing for assessable land to entitle a landowner to vote in an election of supervisors; amending s. 298.12, F.S.; limiting eligibility to vote in such election to landowners whose assessments are paid for the previous year; amending s. 298.22, F.S.; authorizing water control districts to construct and operate facilities to control and prevent agricultural pests and diseases; amending s. 298.225, F.S.; specifying those amendments that constitute insubstantial amendments to a water control plan; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1114** was placed on the calendar of Bills on Third Reading.

On motion by Senator Carlton—

CS for SB 840—A bill to be entitled An act relating to criminal actions; defining the term "sexual abuse"; providing for the admissibility of a defendant's confession or admission in specified sexual abuse cases without proof of a corpus delicti of the crime under certain conditions; providing for a court hearing; requiring corroborating evidence of the trustworthiness of the defendant's confession or admission; allowing hearsay evidence at such hearing; requiring specific findings of fact by the court on the record; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 840** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

CS for SB 1854—A bill to be entitled An act relating to the crime of contributing to the delinquency or dependency of a child; amending s. 827.04, F.S.; defining the terms "child in need of services," "delinquent child," and "dependent child"; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1854** was placed on the calendar of Bills on Third Reading.

On motion by Senator Grant, by two-thirds vote **CS for HB 599** was withdrawn from the Committee on Judiciary.

On motion by Senator Grant—

CS for HB 599—A bill to be entitled An act relating to the rule against perpetuities; amending s. 689.225, F.S.; revising certain criteria for application of the rule to certain trusts; specifying exclusivity of application of the rule; excluding common-law expressions; creating ss. 737.4031, 737.4032, and 737.4033, F.S.; providing for judicial and non-judicial modifications of certain trusts under certain circumstances; providing for representation of certain persons in modification actions; specifying nonapplication to certain trusts; providing definitions; providing construction; providing application relating to common law; providing for award of costs and attorney fees in modification proceedings; providing an effective date.

—a companion measure, was substituted for **CS for SB 830** and read the second time by title.

Senator Laurent moved the following amendment which was adopted:

Amendment 1 (741154)(with title amendment)—On page 2, between lines 12 and 13, insert:

Section 2. Section 737.206, Florida Statutes, is amended to read:

737.206 Effect of fraud, duress, mistake, and undue influence.—A trust is void if the execution is procured by fraud, duress, mistake, or undue influence. Any part of the trust is void if so procured, but the remainder of the trust not so procured is valid if it is not invalid for other reasons. ~~An action to contest the validity of all or part of a trust may not be commenced until the trust becomes irrevocable.~~

Section 3. Section 737.2065, Florida Statutes, is created to read:

737.2065 Trust contests.—*An action to contest the validity of all or part of a trust may not be commenced until the trust becomes irrevocable.*

Section 4. Section 737.303, Florida Statutes, is amended to read:

737.303 Duty to inform and account to beneficiaries.—The trustee shall keep the beneficiaries of the trust reasonably informed of the trust and its administration. The trustee's duty to inform and account includes, but is not limited to, the following:

(1) Within 30 days after acceptance of the trust, the trustee shall inform the beneficiaries in writing of the acceptance of the trust and the full name and address of the trustee.

(2) Upon reasonable request, the trustee shall provide a beneficiary with a complete copy of the trust instrument, including amendments.

(3) Upon reasonable request, the trustee shall provide a beneficiary with relevant information about the assets of the trust and the particulars relating to administration.

(4)(a) A beneficiary is entitled to a statement of the accounts of the trust annually and upon termination of the trust or upon change of the trustee except as provided under paragraph (c).

(b) For purposes of this section, the term "beneficiary" means:

1. All current income or principal beneficiaries, whether discretionary or mandatory; and

2. All reasonably ascertainable remainder beneficiaries who would take if all income interests immediately terminated.

(c) In the case of a trust described in s. 733.707(3), *during the grantor's lifetime*, the trustee's duties under *this section* ~~paragraph (a)~~ extend only to the grantor or the legal representative of the grantor ~~during the grantor's lifetime~~.

(d) A beneficiary or the beneficiary's representative, as defined in s. 731.303, may waive, in writing, the trustee's duty to account under paragraph (a).

(e) All rights provided a beneficiary under this section may be asserted by a legal representative or natural guardian of the beneficiary. Notice under subsection (1) and a statement of accounts under paragraph (a) provided to a representative of the beneficiary as defined in s. 731.303 shall bind the beneficiary, and the trustee shall not be required to provide such notice or statement of accounts to any beneficiary who would be bound by an order binding on a representative of the beneficiary under s. 731.303, if such notice or statement of accounts, respectively, is provided to that representative.

Section 5. Section 737.625, Florida Statutes, is amended to read:

737.625 Killer not entitled to receive property or other benefits by reason of victim's death.—

(1) A beneficiary of a trust who unlawfully and intentionally kills or unlawfully and intentionally participates in procuring the death of the grantor or another person upon whose death such beneficiary's interest depends, shall not be entitled to any trust interest, *including homestead*, dependent upon the victim's death, and such interest shall devolve as though the killer had predeceased the victim.

(2) A final judgment of conviction of murder in any degree is conclusive for the purposes of this section. In the absence of a murder conviction in any degree, the court may determine by the greater weight of the evidence whether the killing was unlawful and intentional for purposes of this section.

Section 6. Section 737.626, Florida Statutes, is created to read:

737.626 Evidence as to death or status.—In proceedings concerning trusts, this section relating to determination of death and status is applicable:

(1) An authenticated copy of a death certificate issued by an official or agency of the place where the death purportedly occurred is *prima facie* evidence of the fact, place, date, and time of death and the identity of the decedent.

(2) A copy of any record or report of a governmental agency, domestic or foreign, that a person is alive, missing, detained, or, from the facts related, presumed dead is *prima facie* evidence of the status and of the dates, circumstances and places disclosed by the record or report.

(3) A person who is absent from the place of his or her last known domicile for a continuous period of five years and whose absence is not satisfactorily explained after diligent search and inquiry is presumed to be dead. The person's death is presumed to have occurred at the end of the period unless there is evidence establishing that death occurred earlier.

(4) This section does not preclude the establishment of death by direct or circumstantial evidence prior to expiration of the five year time period set forth in subsection (3).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 1-7, delete those lines and insert: A bill to be entitled An act relating to trusts; amending s. 689.225, F.S.; revising certain criteria for application of the rule against perpetuities to certain trusts; specifying exclusivity of application of the rule; excluding common-law expressions of the rule; amending s. 737.206, F.S.; removing provision governing timing for contesting validity of a trust; creating s. 737.2065, F.S.; providing timing for contesting validity of a trust; amending s. 737.303, F.S.; revising duty of trustee to inform or account to beneficiaries of a trust; amending s. 737.625, F.S.; revising prohibition against a killer's entitlement to benefits from a trust; creating s. 737.626, F.S.; creating a provision to govern evidence as to death or status in trust proceedings;

Senator Grant moved the following amendment which was adopted:

Amendment 2 (023742)—On page 1, line 30, delete "1,000 years" and insert: 360 years

Pursuant to Rule 4.19, **CS for HB 599** as amended was placed on the calendar of Bills on Third Reading.

CS for SB 2190—A bill to be entitled An act relating to business entities; amending ss. 607.11101, 608.4383, 620.204, 620.8906, F.S.; deleting requirement that a deed be recorded in order to transfer title to real property incident to merger; amending s. 608.406, F.S.; clarifying application of limited liability company name requirements to a fictitious name; amending s. 620.8904, F.S.; deleting requirement that a deed be recorded in order to transfer title to real property incident to conversion of a partnership or a limited partnership; creating s. 694.16, F.S., relating to conveyances incident to the merger or conversion of a business entity; providing a directive to the Division of Statutory Revision; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (703118)(with title amendment)—On page 2, lines 1-5, delete those lines and insert:

Section 2. Subsection (15) is added to section 865.09, Florida Statutes, to read:

865.09 Fictitious name registration.—

(15) **LEGAL DESIGNATION OF ENTITY.**—Notwithstanding any other provision of law to the contrary, a fictitious name registered as provided in this section for a corporation, limited liability company, limited liability partnership, or limited partnership is not required to contain the designation of the type of legal entity in which the person or business is organized, including the terms "corporation," "limited liability company," "limited liability partnership," "limited partnership," or any abbreviation or derivative thereof.

And the title is amended as follows:

On page 1, lines 7-9, delete those lines and insert: 865.09, F.S.; providing that a registered fictitious name is not required to contain the legal designation of the entity registering the fictitious name; amending s. 620.8904, F.S.;

Senator Laurent moved the following amendment which was adopted:

Amendment 2 (483114)(with title amendment)—On page 2, lines 1-5, delete those lines and insert:

Section 2. Subsection (15) is added to section 865.09, Florida Statutes, to read:

865.09 Fictitious name registration.—

(15) **LEGAL DESIGNATION OF ENTITY.**—Notwithstanding any other provision of law to the contrary, a fictitious name registered as provided in this section for a corporation, limited liability company, limited liability partnership, or limited partnership is not required to contain the designation of the type of legal entity in which the person or business is organized, including the terms "corporation," "limited liability company," "limited liability partnership," "limited partnership," or any abbreviation or derivative thereof.

And the title is amended as follows:

On page 1, lines 7-9, delete those lines and insert: 865.09, F.S.; clarifying necessary elements of a fictitious name; amending s. 620.8904, F.S.;

On motion by Senator Saunders, further consideration of **CS for SB 2190** as amended was deferred.

On motion by Senator Klein—

SB 354—A bill to be entitled An act relating to the Florida Academic Scholars award; amending s. 240.40205, F.S.; providing that a student who is a recipient of the National Hispanic Scholar Award and who

meets certain other eligibility requirements is eligible for a Florida Academic Scholars award; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Klein and adopted:

Amendment 1 (344706)—On page 2, lines 14 and 15, delete those lines and insert:

(f) Has been recognized by the National Hispanic Recognition Program as a scholar recipient.

Senator Sullivan moved the following amendment:

Amendment 2 (083116)(with title amendment)—On page 1, between lines 11 and 12, insert:

Section 1. Paragraph (a) of subsection (5) of section 240.605, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

240.605 The William L. Boyd, IV, Florida resident access grants.—

(5)(a) Funding for the William L. Boyd, IV, Florida Resident Access Grant Program shall be based on a formula composed of planned enrollment and the state cost of funding undergraduate enrollment at public institutions pursuant to s. 240.271. ~~However, The amount of the William L. Boyd, IV, Florida resident access grant issued to a full-time student shall be 30 percent in 1996-1997, 35 percent in 1997-1998, and 40 percent in 1998-1999 and thereafter of the full cost to the state per academic year of an undergraduate student in public postsecondary education established pursuant to s. 240.209 or an amount as specified in the General Appropriations Act. The William L. Boyd, IV, Florida resident access grant may be paid on a prorated basis in advance of the registration period. The department shall make such payments to the college or university in which the student is enrolled for credit to the student's account for payment of tuition and fees. Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances or refunds within 60 days of the end of regular registration. Students shall not be eligible to receive the award for more than 9 semesters or 14 quarters, except as otherwise provided in s. 240.404(3).~~

(6) Funds appropriated by the Legislature for the William L. Boyd, IV, Florida Resident Access Grant Program shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year which has been allocated to the William L. Boyd, IV, Florida Resident Access Grant Program shall remain therein and shall be available for carrying out the purposes of this section.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to education; amending s. 240.605, F.S.; providing for the carry-forward of certain funds; deleting an obsolete provision; amending s. 240.40205, F.S.;

Senator Sullivan moved the following substitute amendment which was adopted:

Amendment 3 (100958)(with title amendment)—On page 1, between lines 11 and 12, insert:

Section 1. Paragraph (a) of subsection (5) of section 240.605, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

240.605 The William L. Boyd, IV, Florida resident access grants.—

(5)(a) Funding for the William L. Boyd, IV, Florida Resident Access Grant Program shall be based on a formula composed of planned enrollment and the state cost of funding undergraduate enrollment at public institutions pursuant to s. 240.271. ~~However, The amount of the William L. Boyd, IV, Florida resident access grant issued to a full-time student shall be 30 percent in 1996-1997, 35 percent in 1997-1998, and 40 percent in 1998-1999 and thereafter of the full cost to the state per academic~~

~~year of an undergraduate student in public postsecondary education established pursuant to s. 240.209 or an amount as specified in the General Appropriations Act. The William L. Boyd, IV, Florida resident access grant may be paid on a prorated basis in advance of the registration period. The department shall make such payments to the college or university in which the student is enrolled for credit to the student's account for payment of tuition and fees. Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances or refunds within 60 days of the end of regular registration. Students shall not be eligible to receive the award for more than 9 semesters or 14 quarters, except as otherwise provided in s. 240.404(3).~~

(6) Funds appropriated by the Legislature for the William L. Boyd, IV, Florida Resident Access Grant Program shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year which has been allocated to the William L. Boyd, IV, Florida Resident Access Grant Program shall remain therein and shall be available for carrying out the purposes of this section. If the number of eligible students exceeds the total authorized in the General Appropriations Act, an institution may use its own resources to assure that each eligible student receives the full benefit of the grant amount authorized.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to education; amending s. 240.605, F.S.; providing for the carry-forward of certain funds; deleting an obsolete provision; amending s. 240.40205, F.S.;

Senator Sullivan moved the following amendment:

Amendment 4 (813536)(with title amendment)—On page 1, between lines 11 and 12, insert:

Section 1. Paragraphs (a) and (c) of subsection (4) of section 216.136, Florida Statutes, are amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(4) EDUCATION ESTIMATING CONFERENCE.—

(a) Duties.—The Education Estimating Conference shall develop such official information relating to the state public and private educational system, including forecasts of student enrollments, the number of students qualified for state financial aid programs and for the William L. Boyd, IV, Florida Resident Access Grant Program and the appropriation required to fund the full award amounts for each program, fixed capital outlay needs, and Florida Education Finance Program formula needs, as the conference determines is needed for the state planning and budgeting system. The conference's initial projections of enrollments in public schools shall be forwarded by the conference to each school district no later than 2 months prior to the start of the regular session of the Legislature. Each school district may, in writing, request adjustments to the initial projections. Any adjustment request shall be submitted to the conference no later than 1 month prior to the start of the regular session of the Legislature and shall be considered by the principals of the conference. A school district may amend its adjustment request, in writing, during the first 3 weeks of the legislative session, and such amended adjustment request shall be considered by the principals of the conference. For any adjustment so requested, the district shall indicate and explain, using definitions adopted by the conference, the components of anticipated enrollment changes that correspond to continuation of current programs with workload changes; program improvement; program reduction or elimination; initiation of new programs; and any other information that may be needed by the Legislature. For public schools, the conference shall submit its full-time equivalent student consensus estimate to the Legislature no later than 1 month after the start of the regular session of the Legislature. No conference estimate may be changed without the agreement of the full conference.

(c) Principals.—The Associate Deputy Commissioner for Educational Management, the Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, the Executive Director of the Independent Colleges and Universities of Florida, Inc., and professional staff of the Senate and House of Representatives who

have forecasting expertise, or their designees, are the principals of the Education Estimating Conference. The Associate Deputy Commissioner for Educational Management or his or her designee shall preside over sessions of the conference.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to education; amending s. 216.136, F.S.; adding to the duties of the Education Estimating Conference; adding a principal; amending s. 240.40205, F.S.;

Senator Sullivan moved the following substitute amendment which was adopted:

Amendment 5 (191256)(with title amendment)—On page 1, between lines 11 and 12, insert:

Section 1. Paragraph (a) of subsection (4) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(4) EDUCATION ESTIMATING CONFERENCE.—

(a) Duties.—The Education Estimating Conference shall develop such official information relating to the state public and private educational system, including forecasts of student enrollments, the number of students qualified for state financial aid programs and for the *William L. Boyd, IV, Florida Resident Access Grant Program* and the appropriation required to fund the full award amounts for each program, fixed capital outlay needs, and Florida Education Finance Program formula needs, as the conference determines is needed for the state planning and budgeting system. The conference's initial projections of enrollments in public schools shall be forwarded by the conference to each school district no later than 2 months prior to the start of the regular session of the Legislature. Each school district may, in writing, request adjustments to the initial projections. Any adjustment request shall be submitted to the conference no later than 1 month prior to the start of the regular session of the Legislature and shall be considered by the principals of the conference. A school district may amend its adjustment request, in writing, during the first 3 weeks of the legislative session, and such amended adjustment request shall be considered by the principals of the conference. For any adjustment so requested, the district shall indicate and explain, using definitions adopted by the conference, the components of anticipated enrollment changes that correspond to continuation of current programs with workload changes; program improvement; program reduction or elimination; initiation of new programs; and any other information that may be needed by the Legislature. For public schools, the conference shall submit its full-time equivalent student consensus estimate to the Legislature no later than 1 month after the start of the regular session of the Legislature. No conference estimate may be changed without the agreement of the full conference.

And the title is amended as follows:

On page 1, lines 2 and 3, delete those lines and insert: An act relating to education; amending s. 216.136, F.S.; adding to the duties of the Education Estimating Conference; amending s. 240.40205, F.S.;

Pursuant to Rule 4.19, **SB 354** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator McKay—

SB 910—A bill to be entitled An act relating to education; amending s. 231.40, F.S.; providing for payment into pretax annuities for accumulated sick leave to certain employees of district school systems; limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; amending s. 231.481, F.S.; limiting the amount of pay certain employees of district school systems may earn for unused vacation leave upon termination of employment; prohibiting the consideration of unused vacation leave for retirement purposes; amending s. 240.343, F.S.; providing for community college district boards of trustees to adopt rules allowing payment for unused sick leave

into pretax retirement accounts; limiting the amount of pay certain employees of community college districts may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; providing an effective date.

—was read the second time by title.

Senator McKay moved the following amendments which were adopted:

Amendment 1 (852722)—On page 5, lines 3-5, delete those lines and redesignate subsequent subparagraph

Amendment 2 (591864)(with title amendment)—On page 5, lines 25-30, delete those lines and insert: *contracts, or rules that are in effect on June 30, 2000.*

And the title is amended as follows:

On page 1, lines 13-15, delete those lines and insert: termination of employment; amending s. 240.343, F.S.;

Amendment 3 (663316)—On page 8, lines 6-8, delete those lines

Pursuant to Rule 4.19, **SB 910** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

SB 1280—A bill to be entitled An act relating to persons with developmental disabilities; amending s. 400.962, F.S.; removing the licensure requirement for comprehensive transitional educational programs; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1280** was placed on the calendar of Bills on Third Reading.

THE PRESIDENT PRESIDING

On motion by Senator Kirkpatrick—

SB 1176—A bill to be entitled An act relating to education; amending s. 230.23, F.S.; providing a procedure for the employment of instructional personnel; amending s. 230.33, F.S.; revising the superintendent's responsibility regarding the employment of instructional personnel; amending s. 231.085, F.S.; describing the duties of a school principal in the employment of instructional personnel; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 1 (181252)—On page 1, line 29, delete "*institutional*" and insert: *instructional*

Pursuant to Rule 4.19, **SB 1176** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders, the Senate resumed consideration of—

CS for SB 2190—A bill to be entitled An act relating to business entities; amending ss. 607.11101, 608.4383, 620.204, 620.8906, F.S.; deleting requirement that a deed be recorded in order to transfer title to real property incident to merger; amending s. 608.406, F.S.; clarifying application of limited liability company name requirements to a fictitious name; amending s. 620.8904, F.S.; deleting requirement that a deed be recorded in order to transfer title to real property incident to conversion of a partnership or a limited partnership; creating s. 694.16, F.S., relating to conveyances incident to the merger or conversion of a business entity; providing a directive to the Division of Statutory Revision; providing an effective date.

—which was previously considered and amended this day.

Senators Jones and Klein offered the following amendments which were moved by Senator Jones and adopted:

Amendment 3 (141596)(with title amendment)—On page 1, line 29; on page 2, lines 14 and 26; and on page 3, line 22, after the period (.) insert: *A notice of merger shall be attached to the recorded deed. Such notice shall include the name and address of the current owner of the property, the name and address of the surviving entity, and the date of the merger.*

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: providing for a notice of merger;

Amendment 4 (112018)(with title amendment)—On page 3, between lines 11 and 12, insert:

(c) *A notice of conversion shall be attached to the recorded deed. Such notice shall include the name and address of the current owner of the property, the name and address of the surviving entity, and the date of the conversion.*

And the title is amended as follows:

On page 1, line 13, following the semicolon (;) insert: providing for notice;

Pursuant to Rule 4.19, **CS for SB 2190** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator McKay, a deadline of 5:00 p.m. Monday, April 17, was set for filing amendments to Bills on Third Reading to be considered Tuesday, April 18.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Sebesta, by two-thirds vote **SB 2298** was withdrawn from the committee of reference and further consideration.

REPORTS OF COMMITTEES

The Committee on Health, Aging and Long-Term Care recommends the following pass: **CS for SB's 706 and 2234**

The bill was referred to the Committee on Fiscal Policy under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: **SB 942**

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Criminal Justice recommends a committee substitute for the following: **SB 1422**

The bill with committee substitute attached was referred to the Committee on Comprehensive Planning, Local and Military Affairs under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: **CS for SB 2446**

The Committee on Criminal Justice recommends a committee substitute for the following: **CS for SB 2464**

The Committee on Education recommends committee substitutes for the following: **Senate Bills 1470 and 2424, SB 2092, SB 2318**

The Committee on Natural Resources recommends a committee substitute for the following: **SB 384**

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Fiscal Policy under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: **SB 1232**

The Committee on Education recommends committee substitutes for the following: **SB 1450, SB 2218**

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: **SB 1900**

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: **SB 2284**

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health, Aging and Long-Term Care under the original reference.

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: **SB 2664**

The Committee on Criminal Justice recommends a committee substitute for the following: **SB 1546**

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Banking and Insurance recommends a committee substitute for the following: **SB 1956**

The Committee on Criminal Justice recommends committee substitutes for the following: **SB 1276, SB 1946**

The Committee on Natural Resources recommends committee substitutes for the following: **SB 1372, CS for SB 1904, SB 2140**

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

SR 2732—Not referenced.

By Senator Jones—

SB 2734—A bill to be entitled An act relating to Monroe County; creating the "Village of Paradise Islands"; providing legislative intent; powers; providing for its charter; providing for municipal powers; providing municipal boundaries; providing a mayor-council-manager form of government; providing for election of a mayor and council; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for a vice mayor; providing for compensation and payment of expenses; providing general powers and duties; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies;

providing for meetings; providing for keeping of records; providing for adoption, distribution, and recording of technical codes; providing a limitation upon employment of council members; providing that certain interference with village employees shall constitute malfeasance in office; establishing the fiscal year; providing for adoption of annual budget and appropriation; providing amendments for supplemental, reduction, and transfer of appropriations; providing for limitations; providing for appointment of charter offices, including a village manager and village attorney; providing for removal, compensation, and filling of vacancies; providing for bond for village manager and village clerk; providing qualifications, powers, and duties; providing for nonpartisan elections and for matters relative thereto; providing for recall; providing for initiative and referendum; providing the village a transitional schedule and procedures for first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and local development regulations; providing for a solid waste collection plan; providing for accelerated entitlement to state shared revenues; providing for gas tax revenue; providing for infrastructure surtax revenues; providing for the assessment and collection of ad valorem taxes; providing for future amendments of the charter; providing for standards of conduct in office; providing for severability; providing for a referendum approval; providing effective dates.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

By Senator Jones—

SB 2736—A bill to be entitled An act relating to Monroe County; creating the “Village of the Lower Keys”; providing legislative intent; providing for its charter; providing municipal boundaries and municipal powers; providing a mayor-commission-manager form of government; providing for election of a mayor and Village commission; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for a vice mayor; providing compensation and for payment of expenses; providing general powers and duties; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies; providing for meetings; providing for keeping of records; providing for adoption, distribution, and recording of technical codes; providing a limitation upon employment of commissioners; providing that certain interference with Village employees shall constitute malfeasance in office; establishing the fiscal year; providing for adoption of annual budget and appropriation; providing amendments for supplemental, reduction, and transfer of appropriations; providing for limitations; providing for appointment of charter offices, including a Village manager and Village attorney; providing for removal, compensation, and filling of vacancies; providing for bond for Village manager and Village clerk; providing qualifications, powers, and duties; providing for nonpartisan elections and for matters relative thereto; providing for recall; providing for initiative and referendum; providing a transitional schedule and procedures for first election; providing for first year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and local development regulations; providing for a transitional agreement between Monroe County and the Village of the Lower Keys; providing for accelerated entitlement to state-shared revenues; providing for gas tax revenue; providing for future amendments of the charter; providing for standards of conduct in office; providing for a referendum; providing effective dates.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Rules and Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Natural Resources—

CS for SB 384—A bill to be entitled An act relating to land management costs; amending s. 259.032, F.S.; creating additional requirements for land management plans; modifying land management needs categories; creating s. 259.037, F.S.; creating the Land Management Uniform Accounting Council; providing duties and responsibilities; providing for reports; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Jones—

CS for SB 942—A bill to be entitled An act relating to community-based development organizations; creating the “Community-Based Development Organization Act”; providing legislative findings and intent; providing eligibility requirements for administrative and operating grants to community-based development organizations; providing for award of grants by the Department of Community Affairs for housing and economic development projects; providing a three-tiered plan; providing a description of activities eligible for funding; providing application requirements; providing reporting and evaluation requirements; authorizing the Department of Community Affairs to adopt rules; authorizing positions and providing appropriations; providing an effective date.

By the Committee on Banking and Insurance; and Senator Geller—

CS for SB 1232—A bill to be entitled An act relating to viatical settlements; amending s. 626.9911, F.S.; redefining the terms “viatical settlement contract,” “viatical settlement provider,” “viator,” “related provider trust,” and “viatical settlement purchaser”; defining the terms “viaticated policy,” “related form,” “special purpose entity,” and “financing entity”; amending s. 626.9912, F.S.; requiring additional information for license applications; amending s. 626.9921, F.S.; providing for additional forms; amending s. 626.9922, F.S.; revising recordkeeping time requirements; defining the term “home office”; providing that records be made available; creating s. 626.99236, F.S.; providing for disclosure to viatical settlement purchasers; providing for rescission of agreements; amending s. 626.9924, F.S.; providing for notice of viaticated policies; creating s. 626.99245, F.S.; providing for the regulation of interstate conflicts; amending s. 626.9925, F.S.; providing additional rulemaking authority; amending s. 626.99275, F.S.; providing criminal penalties; creating s. 626.99278, F.S.; requiring the adoption of an anti-fraud plan; creating s. 626.99285, F.S.; providing for the applicability of the Insurance Code; creating s. 626.99287, F.S.; providing for the contestability of viaticated policies; creating 626.99295, F.S.; providing for a grace period for unlicensed viatical settlement providers; providing an effective date.

By the Committee on Criminal Justice and Senator Hargrett—

CS for SB 1276—A bill to be entitled An act relating to suspension of a driver's license; amending s. 322.2615, F.S.; providing that the disposition of any related criminal proceedings shall not affect a suspension of a driver's license for refusal to submit to a blood, breath, or urine test; directing the Department of Highway Safety and Motor Vehicles to invalidate a suspension for driving with an unlawful blood-alcohol or breath-alcohol level under certain circumstances; providing an effective date.

By the Committee on Natural Resources and Senator Bronson—

CS for SB 1372—A bill to be entitled An act relating to land acquisition by the South Florida Water Management District; amending s. 373.1501, F.S.; providing definitions; providing for acquisition of certain land by eminent domain by the South Florida Water Management District; providing an effective date.

By the Committee on Criminal Justice and Senator Bronson—

CS for SB 1422—A bill to be entitled An act relating to law enforcement; amending s. 23.1225, F.S.; describing an additional authorized joint city-county law enforcement activity by voluntary cooperation written agreement; amending ss. 810.08, 810.09, F.S.; defining the terms “person authorized” and “authorized person” for purposes of provisions prohibiting trespass; amending s. 901.15, F.S.; specifying lawful arrest without a warrant for trespass in secure areas of airports; providing for immunity from civil liability for arresting law enforcement officers under certain circumstances; amending s. 934.03, F.S.; revising limited

authorization for certain personnel to intercept and record specified incoming wire communications; providing an effective date.

By the Committee on Education and Senator Horne—

CS for SB 1450—A bill to be entitled An act relating to financing for private not-for-profit institutions of higher education; providing findings and declarations; creating the Higher Educational Facilities Financing Authority; providing for its powers; providing for criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; providing for the validation of revenue bonds; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; amending s. 196.012, F.S.; providing that institutions funded by this act are educational institutions for purposes of state taxation; providing an effective date.

By the Committee on Education and Senators Kirkpatrick and Cowin—

CS for SB's 1470 and 2424—A bill to be entitled An act relating to dual enrollment; amending s. 229.551, F.S.; clarifying the duty of the Commissioner of Education regarding the common course designation and numbering system for postsecondary education in school districts; revising the membership of the Articulation Coordinating Committee; requiring the Articulation Coordinating Committee to identify and recommend to the State Board of Education postsecondary courses that meet high school graduation requirements; amending s. 232.246, F.S.; providing for the award of credit toward graduation requirements for equivalent courses taken through dual enrollment; prohibiting increased graduation requirements from applying to dual enrollment students; deleting the requirement that certain special instruction be funded from the state compensatory education funds of the district; amending s. 232.2462, F.S.; requiring the Articulation Coordinating Committee to define credit for purposes of articulated acceleration programs; amending s. 236.081, F.S.; providing community college reimbursement for high school student coenrollment, regardless of whether the instruction counts as credit toward high school graduation; removing an obsolete cross reference; amending s. 240.116, F.S.; clarifying the intent of articulated acceleration programs; clarifying funding for dual enrollment; authorizing community college boards of trustees to adopt additional admissions criteria for dual enrollment programs; requiring that certain information be provided to students regarding dual enrollment programs; requiring an annual assessment and planning to meet the demand for dual enrollment; deleting the requirement that participating in the early admission program be limited to students who have completed a certain number of semesters in secondary school; providing for credit earned by home education students through dual enrollment courses to apply toward the completion of a home education program; authorizing the adoption of rules; amending s. 240.1161, F.S.; requiring superintendents of schools and community college presidents to jointly develop and implement comprehensive articulated acceleration programs; requiring a plan by which a community college will provide guidance services to dually enrolled students; encouraging a postsecondary education objective to be identified by the students; requiring the advisement process to identify specific courses to meet the student objective; requiring use of a certain automated system; requiring district interinstitutional articulation agreements to include additional provisions regarding dual enrollment programs; requiring the Articulation Coordinating Committee to review articulation agreements and certify common course code numbers of postsecondary courses that meet high school graduation requirements; requiring the Articulation Coordinating Committee, rather than the Department of Education, to approve courses for inclusion in the dual enrollment program that are contained within the common course designation and numbering system; requiring the Department of Education to provide the Articulation Coordinating Committee with staff support and resources; authorizing the adoption of rules; providing an effective date.

By the Committee on Criminal Justice and Senator Brown-Waite—

CS for SB 1546—A bill to be entitled An act relating to rulemaking authority of the Department of Law Enforcement (RAB); amending ss. 316.1932, 322.63, and 327.352, F.S.; specifying the responsibilities of the Alcohol Testing Program of the Department of Law Enforcement with respect to breath test instruments, persons who operate, inspect, and instruct on such instruments, and blood analysts who conduct blood testing, in connection with testing pursuant to the driving or boating under the influence provisions of chapters 316, 322, and 327, F.S., and providing for rules with respect thereto; removing references to department authority and rulemaking with respect to such testing; amending s. 943.03, F.S.; revising the department's rulemaking authority; authorizing rules relating to employee misconduct and discipline; amending s. 943.131, F.S.; directing the Criminal Justice Standards and Training Commission to adopt rules relating to determination of an applicant's eligibility for exemption from completing the basic recruit training program; amending s. 943.14, F.S.; directing the commission to establish procedures for discipline of criminal justice training school instructors by rule; providing an effective date.

By the Committee on Banking and Insurance; and Senators Brown-Waite, Geller and Campbell—

CS for SB 1900—A bill to be entitled An act relating to health maintenance organizations; creating the "Managed Care Organization's Patient's Bill of Rights"; providing legislative findings and intent; specifying that the purpose of the act is to ensure that quality health care and health benefits are provided to the people of this state; providing that managed care organizations own a fiduciary duty to provide such care; creating s. 641.275, F.S.; providing legislative intent that the rights and responsibilities of subscribers who are covered under health maintenance organization contracts be recognized and summarized; requiring health maintenance organizations to operate in conformity with such rights; requiring organizations to provide subscribers with a copy of their rights and responsibilities; listing specified requirements for organizations that are currently required by other statutes; authorizing civil remedies to enforce the rights specified in s. 641.275, F.S.; providing for actual and punitive damages and attorney's fees and costs; providing for administrative fines; providing that there is not any liability on the part of certain employers or employee organizations; requiring a plaintiff to submit a written grievance as a condition precedent to bringing an action for damages; requiring that a managed care organization dispose of a grievance within a specified period; requiring notice of an action to enforce the rights provided under the act; authorizing the court to abate an action and require completion of an internal grievance procedure; providing certain exceptions; providing for the statute of limitations to be tolled under specified circumstances; authorizing an action for non-monetary relief without complying with conditions precedent for the purpose of preventing potential death or serious bodily harm; providing for severability; providing an effective date.

By the Committees on Natural Resources; Agriculture and Consumer Services; and Senator Thomas—

CS for CS for SB 1904—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 253.025, F.S.; clarifying provisions relating to conveyance of state lands to the department for forestry facilities; deleting references to specific fire tower sites and work centers with respect to use of the department's Relocation and Construction Trust Fund; amending s. 482.051, F.S.; revising authority of the department to adopt rules relating to pesticides used for preconstruction treatments; amending ss. 500.12, 500.459, F.S.; deleting certain requirements relating to the setting and use of fees for bottled water plants, packaged ice plants, and water vending machines; amending s. 531.41, F.S.; authorizing the department to provide by rule for voluntary registration of private weighing and measuring device service agencies and personnel; amending s. 570.07, F.S.; allowing the department to deposit money from the sale of certain personal property in the employees' benefit funds; authorizing the department to purchase supplemental food and drink items and set temporary meal expenditure limits, under emergency conditions; providing restrictions; amending s. 570.952, F.S.; revising provisions relating to membership appointment and terms of the Florida Agriculture Center and Horse Park Authority;

renumbering and amending s. 585.89, F.S.; revising provisions relating to state purchase of beef and pork; renumbering and amending s. 585.92, F.S.; revising provisions relating to labeling of meat sold to the state; repealing ss. 585.70, 585.71, 585.715, 585.72, 585.73, 585.74, 585.75, 585.76, 585.77, 585.78, 585.79, 585.80, 585.81, 585.82, 585.83, 585.84, 585.85, 585.86, 585.87, 585.88, 585.90, 585.902, 585.903, 585.904, 585.91, 585.93, 585.96, F.S., relating to animal and animal product inspection and labeling; repealing s. 205.1951, F.S., relating to custom slaughtering; amending s. 590.015, F.S.; revising the definition of "wild land" in provisions relating to forest protection; amending s. 590.14, F.S.; deleting a provision allowing the Division of Forestry to issue a warning citation with respect to authorized fires; amending s. 590.28, F.S.; redesignating the offense of careless burning as "reckless" burning; amending s. 616.242, F.S.; revising timing requirements for inspection and permitting of amusement rides; deleting exemptions from inspection requirements for certain temporary amusement rides at public events; amending s. 823.14, F.S.; limiting local government regulations with respect to the Right to Farm Act; providing authority to the Department of Agriculture and Consumer Services to negotiate agreements with certain land owners for water use in rural areas; amending s. 570.242, F.S.; modifying the definition of the term "agriculturally repressed area"; amending s. 570.248, F.S.; revising the membership of the Agricultural Economic Development Project Review Committee; creating s. 570.249, F.S.; creating the Agricultural Economic Development Program Disaster Loans; creating s. 570.911, F.S.; providing for an equestrian educational sports program at 4-year state universities; providing an effective date.

By the Committee on Criminal Justice and Senator Silver—

CS for SB 1946—A bill to be entitled An act relating to correctional work programs; amending s. 946.502, F.S., relating to legislative intent with respect to the operation of correctional work programs; conforming references and deleting obsolete provisions; amending s. 946.5025, F.S.; conforming a cross-reference; amending s. 946.5026, F.S.; clarifying the application of sovereign immunity with respect to the corporation that operates correctional work programs; amending s. 946.503, F.S.; redefining the term "corporation" for purposes of part II of ch. 946, F.S.; amending s. 946.504, F.S.; revising requirements for the lease of facilities by the corporation; deleting a requirement that a lease be approved by the Attorney General; deleting certain limitations on the transfer of operating losses and requirements for employing personnel of the Department of Corrections; amending s. 946.506, F.S., relating to modification or termination of correctional programs; conforming references; amending s. 946.509, F.S.; providing for insurance of property leased by the corporation; amending s. 946.511, F.S.; authorizing revenue-generating contracts between the corporation and private-sector businesses; amending s. 946.514, F.S., relating to civil rights of inmates; conforming references; amending s. 946.515, F.S.; conforming a reference to clarify the application of requirements for the use of goods and services produced in correctional work programs; amending s. 946.516, F.S.; revising the date of the annual report submitted to the Governor and Legislature by the corporation; amending s. 946.518, F.S., relating to the sale of goods made by prisoners; conforming references; amending s. 946.520, F.S.; providing for the assignment of inmates to the private-sector business authorized to operate correctional work programs; amending s. 957.04, F.S.; conforming a cross-reference; providing an effective date.

By the Committee on Banking and Insurance; and Senator Lee—

CS for SB 1956—A bill to be entitled An act relating to viatical settlements; amending s. 626.9911, F.S.; redefining the terms "viatical settlement contract," "viatical settlement provider," "viator," "related provider trust," and "viatical settlement purchaser"; defining the terms "viaticated policy," "related form," "special purpose entity," and "financing entity"; amending s. 626.9912, F.S.; requiring additional information for license applications; amending s. 626.9921, F.S.; providing for additional forms; amending s. 626.9922, F.S.; revising recordkeeping time requirements; defining the term "home office"; providing that records be made available; creating s. 626.99236, F.S.; providing for disclosure to viatical settlement purchasers; providing for rescission of agreements; amending s. 626.9924, F.S.; providing for notice of viaticated policies; creating s. 626.99245, F.S.; providing for the regulation of interstate conflicts; amending s. 626.9925, F.S.; providing additional rulemaking

authority; amending s. 626.99275, F.S.; providing criminal penalties; creating s. 626.99278, F.S.; requiring the adoption of an anti-fraud plan; creating s. 626.99285, F.S.; providing for the applicability of the Insurance Code; creating s. 626.99287, F.S.; providing for the contestability of viaticated policies; creating 626.99295, F.S.; providing for a grace period for unlicensed viatical settlement providers; providing an effective date.

By the Committee on Education and Senator Sullivan—

CS for SB 2092—A bill to be entitled An act relating to the Trust Fund for Major Gifts; amending s. 240.2605, F.S.; rescinding a provision that allows the Board of Regents to authorize a university to encumber the state matching portion of a challenge grant from funds available under s. 240.272, F.S.; revising provisions that prescribe the manner in which donations from the trust fund must be matched; providing the maximum yearly amount and the maximum total amount of matching funds which may be used to match a single gift; repealing an obsolete provision; amending s. 240.2601, F.S.; requiring a report to the Board of Regents and a priority list; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

CS for SB 2140—A bill to be entitled An act relating to water management; amending s. 287.042, F.S.; providing requirements to protest contracts administered by water management districts; amending s. 373.083, F.S.; authorizing a water management district governing board to delegate its powers, duties, and functions to district staff; amending s. 373.414, F.S.; revising the criteria to be considered in determining the cumulative impacts of activities upon surface waters and wetlands; creating s. 403.065, F.S.; providing findings and declarations; providing for classification and permitting of aquifer storage and recovery wells; providing a zone of discharge for aquifer storage and recovery wells meeting specific criteria; providing monitoring requirements for aquifer storage and recovery wells; requiring an aquifer exemption for aquifer storage and recovery wells exceeding primary drinking water standards other than total coliform bacteria or sodium; requiring the Department of Environmental Protection to make a reasonable effort to issue or deny permits within 90 days; providing the department with rulemaking authority; amending s. 403.0882, F.S.; reorganizing and clarifying provisions; directing the department to adopt rules; creating a technical advisory committee to assist in rule development; providing permitting requirements relating to failure of toxicity tests due to naturally occurring constituents; amending s. 403.061, F.S.; providing an exemption allowing demineralization concentrate mixing zones in Outstanding Florida Waters with specific requirements; amending s. 403.852, F.S.; redefining the terms "public water system," "noncommunity water system," and "nontransient noncommunity water system," and defining the term "transient noncommunity water system"; amending s. 403.853, F.S.; requiring the department to adopt and enforce certain primary and secondary drinking water regulations for nontransient noncommunity water systems and transient noncommunity water systems; amending s. 403.8532, F.S.; authorizing the department to make loans to nonprofit transient noncommunity water systems; amending s. 403.854, F.S.; allowing the department to waive disinfection requirements and operator requirements for certain water systems on a case-by-case basis; amending s. 403.866, F.S.; redefining the term "water distribution system"; providing an effective date.

By the Committee on Education and Senator Diaz-Balart—

CS for SB 2218—A bill to be entitled An act relating to postsecondary education institutions; amending s. 239.115, F.S.; providing performance exemptions for new workforce development education programs; amending s. 239.213, F.S., relating to vocational preparatory instruction; requiring students who enroll in certificate career education programs of 450 hours or more to complete an entry-level examination within a certain period of time; revising provisions relating to exceptional students to conform with federal requirements; amending s. 239.514, F.S., relating to the workforce development capitalization incentive grant program; authorizing the use of such funds to upgrade workforce development programs; amending s. 240.1201, F.S.; authorizing the State Board of Education to classify students as residents or

nonresidents for tuition purposes; amending ss. 240.152 and 240.153, F.S.; conforming provisions relating to students with disabilities with federal requirements; requiring the State Board of Education to define "physical or mental impairment" by rule; amending s. 240.311, F.S.; revising the role of the State Board of Community Colleges in rulemaking; providing specific rulemaking authority; amending s. 240.321, F.S.; deleting certain reporting requirements; amending s. 240.325, F.S.; requiring the State Board of Community Colleges, rather than the State Board of Education, to adopt rules; requiring the adoption of rules to address accreditation, student withdrawal, and grade forgiveness; amending s. 240.3341, F.S.; authorizing community colleges to lease incubator facilities; deleting obsolete provisions; amending s. 240.35, F.S., relating to student fees for college credit courses; deleting obsolete provisions; amending s. 240.359, F.S.; prohibiting the inclusion of certain courses in calculations of full-time equivalent enrollments; eliminating provisions relating to funding for the category of lifelong learning; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Mitchell—

CS for SB 2284—A bill to be entitled An act relating to financial responsibility for indigent hospital patients; amending s. 154.306, F.S.; requiring that counties accept specified documents, forms, and other information provided by participating hospital or regional referral hospital; providing for excluding active-duty military personnel and certain institutionalized county residents from state population estimates when calculating a county's financial responsibility for hospitals' treatment of the specific county's indigent residents; providing an effective date.

By the Committee on Education and Senator Dawson—

CS for SB 2318—A bill to be entitled An act relating to school emergency preparedness; amending s. 230.23, F.S.; requiring district school boards to establish emergency preparedness procedures for certain life-threatening emergencies; amending s. 232.465, F.S.; clarifying the requirement that procedures for life-threatening medical emergencies be adopted; amending s. 235.14, F.S.; requiring each district school board to adopt emergency management and emergency preparedness procedures according to minimum standards and model procedures established by the Department of Education; providing guidelines for the minimum standards and model procedures adopted by the department; providing an effective date.

By the Committees on Comprehensive Planning, Local and Military Affairs; Agriculture and Consumer Services; and Senator Mitchell—

CS for CS for SB 2446—A bill to be entitled An act relating to tobacco production relief; providing legislative intent; providing for use of state funds to assist persons and communities adversely affected by the settlement; providing for periodic appropriation and distribution of those funds; specifying what funds will be used for and specifying entities to receive funds; providing for appointment of trustees to administer the distribution of the funds and specifying their duties; authorizing reimbursement for per diem and travel; providing for public meetings and records; providing an effective date.

By the Committees on Criminal Justice, Education and Senator Horne—

CS for CS for SB 2464—A bill to be entitled An act relating to juvenile justice education programs; amending s. 230.02, F.S.; providing for district school systems to provide instructional personnel at certain juvenile justice programs; amending s. 230.23161, F.S.; providing legislative intent; prescribing duties for the Department of Juvenile Justice and the Department of Education regarding providing educational instruction to certain delinquent youths; requiring certain delinquent youths to participate in educational programs; clarifying the FTE count requirements; requiring a multi-agency plan; amending s. 232.032, F.S.; exempting youths in juvenile justice programs from certain immunization requirements; providing for followup; amending s. 235.1975, F.S.;

requiring the Department of Juvenile Justice to notify the Department of Education regarding certain actions taken regarding the construction of new facilities; creating s. 985.3155, F.S.; requiring both departments to develop a plan for vocational education in juvenile justice facilities; providing powers, duties, and guidelines for the plan; requiring a report; amending s. 985.316, F.S.; providing for compulsory participation in education programs by youths in custody; requiring a study; requiring a review and the creation of a plan; providing appropriations; amending s. 228.081, F.S.; clarifying the educational option available to certain students; establishing responsibility for certain fees; amending s. 230.23, F.S.; requiring provision of educational services to certain minors and students who are detained in specified detention facilities; creating s. 951.176, F.S.; requiring provision of educational services to certain minors and students who are detained in specified detention facilities; providing an effective date.

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Geller—

CS for SB 2664—A bill to be entitled An act relating to Palm Beach and Hendry Counties; providing for codification of special laws regarding special districts pursuant to chapter 97-255, Laws of Florida, and chapter 98-320, Laws of Florida, relating to the Ritta Drainage District, a special tax district of the State of Florida composed of the Counties of Palm Beach and Hendry; providing legislative intent, and codifying and reenacting chapter 22882, Laws of Florida, 1945, chapter 61-1641, Laws of Florida, chapter 76-461, Laws of Florida, and chapter 84-500, Laws of Florida; providing for minimum charter requirements; providing for ratification of prior actions; providing for repeal of all prior special acts related to the Ritta Drainage District; providing for severability; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1115 and HB 1139 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Bense—

HB 1115—A bill to be entitled An act relating to bail bond premiums; creating s. 624.4094, F.S.; requiring reporting of net amounts of certain bail bond premiums; providing a minimum requirement for direct written premiums for bail bonds; providing application; providing reporting requirements for assumed premiums; requiring recordkeeping; requiring disclosure of certain information in annual statements; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By Representative Littlefield—

HB 1139—A bill to be entitled An act relating to consumer finance; amending s. 516.031, F.S.; authorizing a delinquency charge on consumer finance loans under certain circumstances; amending s. 520.07, F.S.; revising the disclosure requirements for retail installments contracts; providing an effective date.

—was referred to the Committee on Banking and Insurance.

RETURNING MESSAGES ON HOUSE BILLS

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for the appointment of a conference committee for HB 2145.

The Speaker has appointed the following Representatives to the Conference Committee: Rep. Pruitt, Chair; Rep. L. Miller, Vice Chair; At Large Members Reps. Bradley, Lacasa, Jones, Feeney, Dockery, Garcia, Logan, Lawson, Maygarden, Wasserman Schultz, and Roberts, with Alternates Reps. Bitner and Bloom; Criminal Justice Members Rep. Vilalobos, Chair, and Reps. Ball, Crist, Crady, and J. Miller, with Alternates Reps. Ryan and Bush; Education Members Rep. Wise, Chair, and Reps. Chestnut, Constantine, Lynn, Melvin, and Turnbull, with Alternates Reps. Alexander and Greenstein; General Government Members Rep. Sembler, Chair, and Reps. Byrd, Bense, Eggelletion, and Minton, with Alternates Reps. Gay and Putnam; Health & Human Services Members Rep. Sanderson, Chair, and Reps. Casey, Farkas, Hafner, Murman, and Peaden, with Alternates Reps. A. Greene and Littlefield; and Transportation & Economic Development Members Rep. Fuller, Chair, and Reps. Crow, Kyle, K. Smith, and Reddick, with Alternates Reps. Bronson, Harrington, and Johnson.

John B. Phelps, Clerk

HB 2145—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2000, and ending June 30, 2001, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for the appointment of a conference committee for HB 2147.

The Speaker has appointed the following Representatives to the Conference Committee: Rep. Pruitt, Chair; Rep. L. Miller, Vice Chair; At Large Members Reps. Bradley, Lacasa, Jones, Feeney, Dockery, Garcia, Logan, Lawson, Maygarden, Wasserman Schultz, and Roberts, with Alternates Reps. Bitner and Bloom; Criminal Justice Members Rep. Vilalobos, Chair, and Reps. Ball, Crist, Crady, and J. Miller, with Alternates Reps. Ryan and Bush; Education Members Rep. Wise, Chair, and Reps. Chestnut, Constantine, Lynn, Melvin, and Turnbull, with Alternates Reps. Alexander and Greenstein; General Government Members Rep. Sembler, Chair, and Reps. Byrd, Bense, Eggelletion, and Minton, with Alternates Reps. Gay and Putnam; Health & Human Services Members Rep. Sanderson, Chair, and Reps. Casey, Farkas, Hafner, Murman, and Peaden, with Alternates Reps. A. Greene and Littlefield; and Transportation & Economic Development Members Rep. Fuller, Chair, and Reps. Crow, Kyle, K. Smith, and Reddick, with Alternates Reps. Bronson, Harrington, and Johnson.

John B. Phelps, Clerk

HB 2147—A bill to be entitled An act implementing the 2000-2001 General Appropriations Act; providing legislative intent; providing for allocation of moneys provided for workforce development and providing for budget amendment when a program is moved; making certain findings regarding funds for the San Carlos Institute; amending s. 240.384, F.S.; requiring an audit and the transfer of certain funds relating to certain transferred criminal justice training programs; amending s. 240.2605, F.S.; requiring the Board of Regents to rank certain donations; requiring presidents of universities in the State University System to provide lists of certain donations; amending s. 11.13, F.S.; limiting compensation paid by a Florida governmental entity to a legislator during any legislative session; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 2000-2001 for qualifying hospitals; amending s. 409.9116, F.S.; providing a formula for rural hospital disproportionate share payments; creating s. 409.9119, F.S.; creating a disproportionate share program for children's hospitals; providing formulas governing payments made to hospitals under the program; providing for withholding payments from a hospital that is not

complying with agency rules; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; authorizing the Departments of Children and Family Services, Revenue, Management Services, and Health and the Agency for Health Care Administration to transfer positions and funds to comply with the 2000-2001 General Appropriations Act or the WAGES Act; amending s. 402.3015, F.S.; providing eligibility guidelines for subsidized child care; amending s. 39.3065, F.S.; providing for the Broward County Sheriff to provide child protective investigative services; requiring Healthy Families Florida service providers to furnish participants with certain disclaimers and documentation; prohibiting disclosure of certain records by such providers; providing for disposal of records after a specified period; amending s. 409.912, F.S.; extending additional responsibilities of the Agency for Health Care Administration in fostering cost-effective purchasing of health care; amending s. 287.084, F.S.; allowing consideration of certain vendors in a request for proposals relating to telemedicine by the Glades School District; authorizing the Department of Law Enforcement to use certain moneys to provide meritorious-performance bonuses for employees, subject to approval; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening a facility of the commission or the department; authorizing the Department of Legal Affairs to transfer certain funds between trust funds; providing for reimbursement for purchase of retirement credit by employees of the public defender; restricting releases of juvenile justice prevention funds; amending s. 216.181, F.S.; authorizing the Department of Transportation to transfer salary rate to the turnpike budget entity to facilitate transferring personnel to the turnpike headquarters facility in Orange County; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund to improve, and increase the number of, disaster shelters in the state and improve local disaster preparedness; restricting release of economic development tools funds and requiring reversion at end of fiscal year; amending s. 212.20, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; amending s. 403.7095, F.S., relating to the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; providing for allocation of funds for innovative programs to address recycling practices and procedures; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; authorizing the Department of Agriculture and Consumer Services to use certain funds for expenses associated with its administrative and regulatory powers and duties; requiring transfer of certain property by the Department of Business and Professional Regulation to the University of Florida; providing for future repeal of various provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; providing performance measures and standards for individual programs within state agencies; providing that the performance measures and standards are directly linked to the appropriations made in the 2000-2001 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 11 was corrected and approved.

CO-SPONSORS

Senators Campbell—CS for CS for SB 134; Clary—SB 2632; Cowin—CS for SB's 258 and 230, CS for SB 288, CS for SB 940; Hargrett—CS for SB 2548; Holzendorf—SB 2314; Kirkpatrick—SB 2314

RECESS

On motion by Senator McKay, the Senate recessed at 3:59 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Tuesday, April 18.